

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOHN DOE,

Plaintiff,

v.

WILLIAMSPORT AREA SCHOOL DISTRICT, LYCOMING COUNTY, DR. BRANDON PARDOE, ROGER FREED, SEAN McCANN, RYAN MILLER, FRED A. HOLLAND, ESQ., WILLIAM WEBER, in his individual and official capacity, and JOHN and JANE DOEs #1-#20 (fictitious names), whose true identities are currently unknown to Plaintiffs,

Defendants.

No. 4:22-CV-01387

(Chief Judge Brann)

ORDER

APRIL 27, 2023

In accordance with the accompanying Memorandum Opinion, **IT IS HEREBY ORDERED** that:

1. Defendants' motions to dismiss (Docs. 22, 24, 26, 29) are **GRANTED IN PART**.
2. Count I (Title IX violation) of Plaintiff John Doe's Complaint is **DISMISSED WITH PREJUDICE** as to Defendants Dr. Brandon Pardoe, Sean McCann, Ryan Miller, and Fred A. Holland.

3. Count II (civil rights conspiracy) is **DISMISSED WITHOUT PREJUDICE** as to Pardoe, McCann, Miller, Holland, and Defendant William Weber and **DISMISSED WITH PREJUDICE** as to Defendants Lycoming County and Williamsport Area School District (“WASD”).
4. Count III (42 U.S.C. § 1983 equal protection claim) is **DISMISSED WITHOUT PREJUDICE** as to all Defendants.
5. Count IV (vicarious liability) is **DISMISSED WITH PREJUDICE** as to Pardoe, McCann, Miller, Holland, and Weber, and **DISMISSED WITHOUT PREJUDICE** as to Lycoming County and WASD.
6. Count V (negligence) is **DISMISSED WITHOUT PREJUDICE** as to Pardoe, McCann, Miller, Holland, and WASD.
7. Count VI (negligence) is **DISMISSED WITHOUT PREJUDICE** as to Weber and Lycoming County.
8. Counts VII (NIED), IX (failure to rescue), IX (negligence *per se*), and XI (civil conspiracy) are **DISMISSED WITHOUT PREJUDICE** as to all Defendants.
9. Count VIII (IIED) is **DISMISSED WITH PREJUDICE** as to Lycoming County and WASD and **DISMISSED WITHOUT PREJUDICE** as to Pardoe, McCann, Miller, Holland, and Weber.

10. If Doe wishes to plead over on any dismissed counts he may file an amended pleading on or before May 11, 2023.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge